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given in the index, so that one can tell at a glance that the numbers refer to pages and not to sections.

THE HEART OF THE RAILROAD PROBLEM. By Prof. Frank Parsons, Ph. D. Boston: Little, Brown & Co. 1906. pp. 364.

Prof. Parsons has a very poor opinion of railroads and railroad men and makes no secret of it. He has looked into the recesses of the railroad heart, expecting to find it brimming with devilry, and apparently he has not been disappointed. On page 53, speaking of certain investigations, he says: "The jets of flame that here and there came up through the crack from the under world showed very clearly what was going on beneath the surface of railway affairs." Again, on page 200: "The big guns of the Federal courts have little or no effect on the packers and the railroads they have benevolently assimilated. They disobey injunctions as freely as they do the principles of Christianity and the dictates of conscience, with the excuse, perhaps, as to the last, of lack of acquaintance." His views are summed up in the statement: "The railways unjustly favor persons, places and commodities, and they do it constantly, systematically, habitually."

To support so sweeping an indictment the author rakes over the history of the last thirty years and collects all the well-worn instances of "discrimination," which constitute the chief stock-in-trade of the rabid anti-railroad party. The Colorado Fuel and Iron case, in which Paul Morton was concerned; the history of the Armour Car Lines, as told by Ray Stannard Baker, and Governor La Follette's "Wisconsin Revelations," as well as numerous decisions of the Interstate Commerce Commission, are all rehearsed in full. Altogether Professor Parsons catalogues sixty forms of discrimination, ranging from "tips on the market" to "special rates on imports." In the face of such a list it takes a stout heart to view the railroad problem with equanimity.

On further examination, however, it turns out that the list is not so formidable as it at first appears. Many of the practices named, such as "espionage" or "payments for routing," are simply dishonest acts which may possibly be performed at times by freight-house clerks; other items, such as "refusal to deliver at a convenient place" or "arbitrary routing of shipments," merely register the unreasoning complaints of certain shippers; other items deal with insignificant matters. No attempt whatever is made to classify the various forms of alleged discrimination, or indeed to define discrimination at all.

The question as to what constitutes railroad discrimination is fundamental. The answer depends on one's conception of a railroad. It is customary to describe the railroad as a "highway of the people," and to assume that it has inherited the functions pertaining to the highways and the carriers of the pre-railroad era. Its chief duty before the law, therefore, is to assure equal rates to all shippers. What are equal rates? The tendency here has been to fall back on the supposed analogy to highways and to test the justice of rates, as Professor Parsons does, by reference to distance and to the cost of carrying goods. Judged by these tests, special rates on exports and imports, lower rates to long-distance

competitive markets than to intermediate points and differences in rates on the same commodity when used for different purposes, are all unjustifiable discriminations. But the fact is that a railroad differs from other common carriers in the important respect that it is permanently fixed in one locality, and therefore finds its interests bound up with the interests of its surrounding territory; and it differs from a highway in that railroad charges on many commodities make a large percentage of the costs of laying down finished products at a central market, whereas the highway tolls were comparatively insignificant. The modern railroad has become no longer a tool of producers, but a partner. Its aim must be not merely to transport goods, but to transport them in such manner and on such terms as shall best aid production. Discrimination is unjustifiable, then, only when it tends to retard rather than stimulate industry. If Professor Parsons had worked out a satisfactory definition of "discrimination," it is probable that his attack on railroad methods would have been more moderate.

The author reviews various proposed solutions of the railroad problem and dismisses in turn pooling, publicity and even governmental control as inadequate. He believes that nothing short of the fixing of all rates by a governmental body, combined possibly with government ownership, will remedy railroad evils. The servants of the government, not the servants of private interests opposed to the public, should execute the orders of the rate-making body.

On page 297 Professor Parsons says of the present Interstate Commerce Commission, "How superior the Commission's methods are in many ways to those in use on our railways can hardly be appreciated by one who is not familiar with the unscientific, chaotic rate-making practices everywhere in vogue in this country, and also with the breadth and system that marks the work of the Commission." It is worth while to inquire whether the chaos which seems to prevail in rate making at present is not due in part at least to the observer's lack of knowledge of underlying traffic principles, and whether a superficial regularity of rates would not be most truly "unscientific." There is good reason to believe that rate making power in the hands of the present Commission, with all its "breadth and system," would have been a means of retarding commercial progress and paralyzing in some places industrial development. As incidents of the present arrangement there no doubt exists serious evils. But to condemn in toto American methods of rate-making on account of the incidental evils and to substitute the inefficient methods of a bureaucratic body would not prove a far-sighted policy.

REVIEWS TO FOLLOW :

STUDIES IN THE CIVIL LAW. By W. W. Howe. Second Edition. Boston : Little, Brown & Co. 1905. pp. xiii, 391.

THE LAW OF DOMESTIC RELATIONS. By James Schouler. Boston : Little, Brown & Co. 1905. pp. xxxix, 421.

A MANUAL RELATING TO SPECIAL VERDICTS AND SPECIAL FINDINGS BY JURIES. By G. B. Clemenson. St. Paul : West Pub. Co. 1905. pp. lxi, 350.